IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JERMAINE DIXON,	:	Civil No. 1:17-CV-01716
	:	
Plaintiff,	:	
	:	
v.	:	Judge Jennifer P. Wilson
	:	
UNITED STATES OF AMERICA, *et al.*	:	
	:	
Defendants.	:	Magistrate Judge William I. Arbuckle

ORDER

AND NOW, on this 23rd day of March, 2020, for the reasons set forth in the accompanying memorandum, **IT IS ORDERED AS FOLLOWS**:

1. The report and recommendation issued by United States Magistrate Judge William I. Arbuckle (Doc. 58) is **ADOPTED IN PART, MODIFIED IN PART, AND REJECTED IN PART**.

2. Defendants' motion to dismiss and/or for summary judgment (Doc. 36) is **GRANTED IN PART AND DENIED IN PART AS FOLLOWS**:

    A. All claims against the United States of America are **DISMISSED WITH PREJUDICE** and the United States of America is dismissed from this case.

    B. Defendants' motion to dismiss is **DENIED** to the extent that it seeks dismissal of Plaintiff's deliberate indifference claim.

    C. Defendant's motion to dismiss is **DENIED** to the extent that it seeks dismissal of Plaintiff's claims against Defendant Simonson.

D. All claims against Defendants Perdue and McKinney are

DISMISSED WITHOUT PREJUDICE.

E. Plaintiff's FTCA claim is **DISMISSED WITH PREJUDICE**.

F. Defendants' motion to dismiss is **DENIED** to the extent that it seeks

dismissal for Dixon's failure to exhaust administrative remedies.

3. Plaintiff may file a second amended complaint consistent with this order

and the accompanying memorandum on or before **April 24, 2020**.

4. If Plaintiff fails to file a second amended complaint by the above deadline,

Defendants shall answer the Plaintiff's amended complaint in accordance

with the Federal Rules of Civil Procedure.

5. Plaintiff's motion for leave to file an amended complaint (Doc. 63) is

DENIED AS MOOT.

6. This case is recommitted to Judge Arbuckle for further proceedings

consistent with this order.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Court Judge
Middle District of Pennsylvania